

VIRGINIA WORKERS' COMPENSATION COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2012 ANNUAL REPORT
JULY 1, 2011 – JUNE 30, 2012

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COMMONWEALTH of VIRGINIA

ROGER L. WILLIAMS
Chairman

WILLIAM L. DUDLEY, JR.
Commissioner

WESLEY G. MARSHALL
Commissioner

**VIRGINIA WORKERS' COMPENSATION
COMMISSION**

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MARJORIE P. PLATT
Clerk

October 1, 2012

The Honorable Robert F. McDonnell, Governor

Members of the General Assembly
Commonwealth of Virginia

Dear Governor McDonnell and
Members of the General Assembly:

On behalf of the Virginia Workers' Compensation Commission, it is my pleasure to present to you the Annual Report for the Criminal Injuries Compensation Fund for fiscal year 2012. This report details the activities of the Fund from July 1, 2011, through June 30, 2012.

In 2012, the Criminal Injuries Compensation Fund processed 3402 new claims for crime victim compensation and forensic evidence collection, awarding in excess of \$4 million dollars. The Fund's commitment to sound stewardship continued through the negotiation of bills with medical providers on behalf of claimants, enhanced collections activity against offenders, and the initiation of other cost-saving measures throughout the year.

As we enter a new year, the Criminal Injuries Compensation Fund looks forward to maintaining its commitment to serving crime victims in the Commonwealth with both sensitivity and efficiency. On behalf of the Workers' Compensation Commission and the Criminal Injuries Compensation Fund, I thank you for your ongoing support for crime victims in our state.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger L. Williams".

Roger L. Williams
Chairman

WHAT IS THE CRIMINAL INJURIES COMPENSATION FUND?

Citing the Commonwealth's **moral responsibility** to provide financial assistance to victims of crime, the Criminal Injuries Compensation Fund (**CICF**) was established by the Virginia General Assembly in 1977 to pay unreimbursed expenses of innocent victims of crime who had suffered physical or emotional injury or death (§ 19.2-368.1, Code of Virginia). In 2008, the Fund also established the Sexual Assault Forensic Exam Payment Program (SAFE Program) as the result of changes to § 19.2-165.1 of Virginia Code which tasked the Fund with payment of expenses associated with forensic evidence collection for victims of sexual assault in the Commonwealth. The Fund is administered by the **Virginia Workers' Compensation Commission**.

For thirty five years the Fund has assisted victims of crime and their families by **easing the financial burden that crime often creates**, providing relief in the form of reimbursement for medical expenses, lost wages, funeral expenses, relocation, counseling costs and other **necessary and reasonable** expenditures incurred by the victim. Claimants are eligible for awards up to the statutory maximum of \$25,000 for compensable expenses. By law, CICF is the **payer of last resort**, assisting victims with expenses that are not covered by any other source. While the Fund does consider claimants' collateral resources, assistance from the Fund is not income-based. Since its inception, the Fund has processed **over 40,000 claims** from Virginia victims of violent crime.

The monies awarded to victims of crime in conjunction with compensation claims are not funded through state tax dollars. CICF is funded by court fees, assessments on offenders, and restitution as well as federal grant funds to supplement monies available to victims of violent crime generated by court fines at the federal level. CICF's SAFE Program, however, does receive General Fund monies via dollars designated to the Virginia Supreme Court to reimburse for sexual assault evidence collection expenses.

In order for a victim to meet the Fund's eligibility requirements for crime victim compensation, the crime **must occur in Virginia** or against a Virginia resident in a state, country, or territory that does not have a compensation program. The crime must be reported to law enforcement within **120 hours** unless good cause for the delay can be shown. A claim must be filed with the Fund **within one year** of the occurrence of the crime unless good cause exists for not doing so. The claim must have a **minimum value of \$100**. The victim must **fully cooperate** with law enforcement and **must not have engaged in illegal activity or contributed to his or her injuries in any way**. Apprehension and conviction of the offender are **not** prerequisites for a crime victim's CICF eligibility. Under the policies and guidelines of the SAFE Program, CICF pays for forensic evidence in sexual assault cases regardless of the victim's involvement with the criminal justice system, as in accordance with state and federal law.

"The mission of the Criminal Injuries Compensation Fund is to administer the Compensating Victims of Crime Act in a compassionate, fair and efficient manner. In so doing, the Fund strives to treat every victim and survivor with dignity and respect, recognizing the tremendous impact that violent crime has upon our society."

FISCAL YEAR 2012 IN REVIEW

Fiscal year 2012 represented another busy year for the Criminal Injuries Compensation Fund. **This year the Fund provided over \$2.3 million dollars in compensation awards to crime victims and their families, in addition to paying just over \$1.7 million dollars for forensic evidence collection in sexual assault cases.**

As in years past, CICF staff took steps to ensure that victims' CICF awards were able to address as many compensable expenses as possible through continued efforts to negotiate bills with medical providers on behalf of claimants, with continued efforts to establish **prospective negotiation agreements with CICF for payment of claims**. These memoranda of agreement, as required by a 2010 amendment to §19.2-368.3, further require that health care providers accept payment from CICF as payment in full without billing the patient for any remaining balances. CICF staff continues to educate medical providers throughout the Commonwealth about this legislative change and establish standing agreements with facilities, physicians, dentists, transport services, therapists, and countless other providers of crime-related medical treatment. This work continues into FY 2013.

FY 2012 saw increased payouts in both compensation and SAFE claims over FY 2011, despite a slight (-2%) decrease in the total number of new compensation claims filed. Of the \$4 million dollars CICF paid on behalf of Virginia's victims of violent crime, hospital expenses composed 45% of that expenditure (largely due to \$1.5 million dollars paid to hospitals for forensic evidence collection under the SAFE program). Funeral expenses in homicide cases accounted for 27% of CICF's compensation claim payout in FY 2012, and 15% of CICF's total FY 2012 claim payout (inclusive of the SAFE program as well as compensation claims). Physician expenses, while accounting for only 17% of CICF's total payout, accounted for 22% of CICF compensation claim payout. The categories of lost wages and transportation (mileage and ambulance transport) each accounted for approximately 8% of CICF's compensation claim payout (and 5% each of CICF's total payout). Other expense types included counseling expenses, prescriptions, moving expenses, domestic loss of support (temporary wage replacement in domestic violence/child sexual assault cases), and prescription expenses.

FY 2012 saw decreases in the number of homicide (- 11%) and assault claims (- 8%) as compared with FY 2011, but a **significant increase in the crime category of child sexual abuse was noted**. While child sexual abuse claims were up by 19%, child sexual abuse claims involving family members were up by 90% (91 claims filed, as compared to 48 claims last year). **Increases were also noted involving the crimes of abduction, robbery, and stalking**. [Arson claims were also significantly higher in FY 2012 (38 claims in 2012 vs. 5 claims in 2011), but this increase could be explained by a single arson incident at a Martinsville apartment complex which yielded 36 claims.] Sexual assault claims involving adult victims remained steady, with no notable increase or decrease. While FY 2012 saw fewer DWI fatality claims (-45% from FY 2011), there was a **44% increase in the number of non-fatal DWI claims** in 2012 (increasing from 15 in FY 2011 to 27 this year).

CICF's involvement in a victim's care does not stop after an initial award is made. Many victims of violent crime require longer term care for the physical and emotional injuries they sustain, and CICF assists Virginia's victims of crime with these ongoing health needs. In FY 2012, in addition to issuing **1328 initial compensation awards** for victims' crime-related expenses and **1414 SAFE awards, 374 compensation claims resulted in supplemental awards**, which are issued when an eligible victim documents the need for additional benefits after the initial award has been entered. CICF continues to make supplemental awards for the duration of the claimant's crime-related treatment, until such time as the claim has reached its statutorily designated maximum payout amount (\$25,000 for crimes occurring after July 1, 2007; \$15,000 for crimes occurring prior).

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **70% of FY 2012's claimants learning about CICF from their area victim/witness assistance program** and 12% being referred to the Fund from their local police or sheriff's department or commonwealth's attorney's office. Other victims found out about CICF from human service agencies, medical providers, probation offices, funeral homes or other sources. Continued collaboration and training with our criminal justice partners and other stakeholders is important to ensure that potentially eligible victims of crime are able to access the Fund. Fund staff is committed to increasing outreach to other allied professionals and the community at large about CICF. Enhanced training efforts in recent years as well as improvements to the program's website have served to heighten the Fund's visibility as staff work toward a vision of CICF's instant recognition as a resource when an individual has been the victim of a crime.

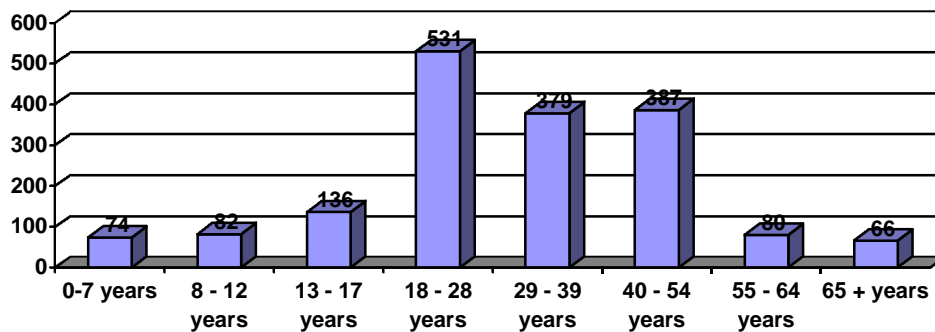
"I just wanted to say thank you from the bottom of my heart... I cannot express to you how much my family and I thank you. You may see what you do as part of your everyday job but to my family and myself it means so much more than that. There really are no words to express the gratitude we have for what you and the rest of your staff have done."

- a CICF claimant

Summary of FY 2012 Compensation and SAFE claims

	Compensation	SAFE
New Claims Received	1737	1665
Claims Awarded	1328	1414
Claims Denied	660	97
Total Amount Awarded	\$2,315,550	\$1,717,204

Age of Victims in FY 2012 compensation claims



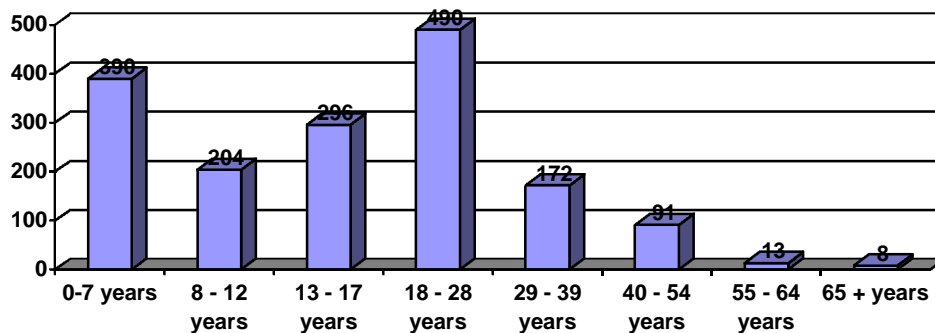
Largest Expense Outlays (by dollars paid out)

1. Funeral Expenses
2. Physician Expenses
3. Hospital Expenses
4. Lost Wages
5. Transportation

Most Frequent Crime Categories

1. Assault (non-domestic)
2. Assault (domestic)
3. Homicide
4. Child Sexual Abuse
5. Robbery

Age of Victims in FY 2012 SAFE claims



FY 2012 HIGHLIGHTS AND ACCOMPLISHMENTS

Collaboration

- i Continued partnership with the Virginia Department of Criminal Justice Services and the University of Richmond to implement the **Virginia Victim Assistance Academy**, a comprehensive week-long training program for advocates and other allied professionals new to the field of victim services. 2012 was the fifth year Virginia has offered this training to the state's victim services providers across the state. Once again, CICF provided both financial and staff support to ensure the Academy's ongoing success.
- i Participated in the state's multi-disciplinary **Human Trafficking Workgroup**, developed in conjunction with House Bill 2190, which tasked the Virginia Department of Social Services with the development of a plan for the provision of services to victims of human trafficking within the Commonwealth
- i Maintained **membership and participation** with the National Association of Crime Victim Compensation Boards, the Virginia Sexual and Domestic Violence Action Alliance, and the Virginia Network for Victims and Witnesses of Crime (with CICF staff active in the Membership, Programs, Compensation, and Executive Committees of the Network)
- i Participated in the **Victim's Rights Coordinating Committee**, a quarterly forum convened by the Secretary of Public Safety in March 2012 composed of representatives from various state agencies with victim constituencies to enhance inter-agency communication and identify service barriers/challenges, solutions, and opportunities for collaboration
- i Continued service on the **Governor's Domestic Violence Prevention and Response Advisory Board** with membership on the "Enhancing Campus Safety" subcommittee.

Outreach / Training

- i Sponsored a Sexual Assault Response Team (SART) Training Institute in Richmond in partnership with the Virginia Sexual and Domestic Violence Action Alliance, open to **multidisciplinary teams of SART members** from across the Commonwealth.
- i Continued provision of trainings upon request to a wide range of allied professionals statewide and beyond, **facilitating 32 presentations to a total of 918 participants**, including three WebFile trainings to train victim/witness assistance program staff to submit CICF claims online
- i Director Mary Vail Ware was asked to teach five sessions at the **2012 Mass Violence and Emergency National Training Conference** sponsored by the Office for Victims of Crime pertaining to crisis response, working with victims of mass casualty crime, and protecting the rights of crime victims.

Legislative Efforts / Changes

- i House Bill 948, sponsored by Delegate Robert Bell, expanded the category of crime victims entitled to receive CICF compensation to include victims of **felony vehicular hit and run**.
- i House Bill 352, sponsored by Delegate John Cox, strengthened language **designating CICF and DCJS as lead coordinating agencies for services to victims** when emergency management plans are activated by school boards, institutions of higher education, the Board of Health, the State Emergency Medical Services Advisory Board, the Department of Emergency Management, and political subdivisions.

FY 2012 HIGHLIGHTS AND ACCOMPLISHMENTS (con't)

Sexual Assault Forensic Exam (SAFE) program

- i Distributed **updated SAFE Program policy manual** and revised claims submission forms to established forensic service providers as well as to all emergency departments across the state and posted on the CICF website
- i Provided training to providers and victim advocates not only on the payment policy and process of SAFE claims but also on the statute-directed provision of **recouping monies paid through court costs** of convicted offenders.

Crisis Response

- i Fully funded **Crisis Response Team (CRT) training** provided by the National Organization of Victim Assistance (NOVA) in order to maximize the number of advocates trained throughout the Commonwealth to respond to mass casualty crime incidents and other emergencies requiring coordinated community response. All CICF staff and 30 additional advocates, primarily victim/witness assistance program staff, participated in this 24-hour training in January 2012.
- i Coordinated and facilitated (along with other training crisis response team members statewide) a series of **group crisis interventions (GCIs)** in Blacksburg using the NOVA GCI model in conjunction with the 5th anniversary memorial events of the Virginia Tech shootings in April 2012
- i **Responded on-site in Martinsville** in June, 2012 after an apartment complex arson displaced nearly 100 residents, primarily senior citizens. Staff responding on-site assisted victims with CICF filing and accessing other needed resources in conjunction with the local victim/witness assistance program.

Fund Development

- i Worked extensively with the Office of the Attorney General to **strengthen collections efforts** against offenders
- i **Collected over \$478,000** in restitution from offender billing and tax debt set-off

Other Items of Note

- i Presented the eighth annual **Victim/Witness Assistance Program of the Year** award (as selected by CICF staff) to the **Virginia Beach Victim/Witness Program** at the annual conference of the Virginia Network for Victims and Witnesses of Crime in November 2011
- i Conducted thorough **staff review of the CICF policy manual** to ensure office procedures/policies were consistent with state/federal law and audit requirements and that the manual accurately reflected current practice. Updates and changes were approved by the Commission in June 2012 and the new policy manual was disseminated electronically to stakeholders and made available on the CICF website.

"All the people at CICF are the MOST FRIENDLY and helpful people. Thank you so much!"

- a Victim/Witness program advocate

GEOGRAPHIC DISTRIBUTION OF CLAIMS

In FY 2012, CICF received claims from across the Commonwealth as follows:

	<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>
Accomack County	15	9	Albemarle County	20	2	Alexandria	32	32
Alleghany County	2	1	Amelia County	4	2	Amherst County	6	14
Appomattox County	6	4	Arlington County	22	24	Augusta County	10	6
Bedford County	15	7	Bland County	0	1	Botetourt County	0	1
Bristol	2	1	Brunswick County	2	3	Buchanan County	3	2
Buckingham Co	1	1	Buena Vista	0	2	Campbell County	25	24
Caroline County	17	13	Carroll County	4	1	Charles City County	0	0
Charlotte County	8	4	Charlottesville	17	2	Chesapeake	91	69
Chesterfield County	54	66	Clarke County	2	1	Colonial Heights	11	2
Covington	1	0	Craig County	0	2	Culpeper County	4	18
Cumberland County	3	8	Danville	7	21	Dickenson County	3	0
Dinwiddie County	6	3	Emporia	3	1	Essex County	1	6
Fairfax City	2	4	Fairfax County	77	190	Falls Church	5	3
Fauquier County	8	12	Floyd County	2	0	Fluvanna County	3	0
Franklin City	2	11	Franklin County	5	7	Frederick County	13	3
Fredericksburg	20	20	Galax	1	0	Giles County	6	1
Gloucester County	16	7	Goochland County	3	1	Grayson County	8	0
Greene County	8	0	Greensville County	3	3	Halifax County	5	21
Hampton	38	27	Hanover County	17	23	Harrisonburg	13	14
Henrico County	61	54	Henry County	9	2	Hopewell	15	3
Isle of Wight County	2	4	James City County	15	6	King and Queen Co	6	1
King George County	2	9	King William Co	3	4	Lancaster County	3	9
Lee County	7	0	Lexington	1	0	Loudoun County	19	32
Louisa County	14	5	Lunenburg County	6	2	Lynchburg	17	36

GEOGRAPHIC DISTRIBUTION OF CLAIMS (con't)

	<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>
Madison County	2	2	Manassas	8	11	Manassas Park	1	1
Martinsville	38	0	Mathews County	4	2	Mecklenburg Co	12	3
Middlesex County	3	3	Montgomery Co	5	8	Nelson County	3	0
New Kent County	1	1	Newport News	73	46	Norfolk	100	100
Northampton Co	10	4	Northumberland Co	0	4	Norton	1	0
Nottoway County	1	5	Orange County	3	8	Page County	4	6
Patrick County	5	3	Petersburg	44	4	Pittsylvania County	5	14
Poquoson	2	4	Portsmouth	45	44	Powhatan County	2	4
Prince Edward Co	2	10	Prince George Co	7	8	Prince William Co	32	65
Pulaski County	2	2	Radford	2	6	Rappahannock Co	2	0
Richmond City	186	79	Richmond County	0	2	Roanoke City	32	26
Roanoke County	14	13	Rockbridge County	1	3	Rockingham County	12	14
Russell County	3	1	Salem	4	4	Scott County	1	0
Shenandoah County	8	1	Smyth County	1	2	Southampton Co	3	2
Spotsylvania County	13	38	Stafford County	18	31	Staunton	5	7
Suffolk	8	25	Surry County	2	2	Tazewell County	4	2
Virginia Beach	83	131	Warren County	8	9	Washington County	10	0
Waynesboro	7	4	Westmoreland Co	17	4	Williamsburg	7	7
Winchester	17	3	Wise County	4	0	Wythe County	2	2
York County	8	7	Out of Country	0	1	Out of State	2	8

"I am grateful to your agency for assisting me with the payment of my medical expenses. This agency puts forth great effort in ensuring that victims are well taken care of after such tragic events. Once again, great thanks to your agency... Thanks and continue to do the fine job that you have been doing."

- a CICF claimant

CONCLUSION

Victims of violent crime clearly face a myriad of concerns as they struggle to regain control of their lives and recover both physically and emotionally. The Criminal Injuries Compensation Fund remains dedicated to playing a role in that recovery by assisting Virginia victims deal with the financial burdens that often accompany victimization. While **paying out over \$4 million dollars in FY 2012 in compensation and SAFE claims**, CICF continued its work helping victims, holding offenders fiscally accountable and collaborating with a wide variety of service providers (law enforcement, medical professionals, court services staff, etc.) to best serve the needs of claimants. CICF continues to ensure the Fund's viability by aggressively pursuing offenders for repayment and continued implementation of cost-cutting measures, most notably ongoing efforts to establish memoranda of agreement with medical providers for payment of claims at a reduced rate in conjunction with §19.2-368.3 of Virginia Code.

CICF's transition to a "paperless" system of claims management and accompanying business process enhancements have increased CICF's capacity to serve Virginia's victims of violent crime by streamlining and mechanizing previously manual processes and provide information to allied professionals and medical providers with whom we collaborate. One benefit of CICF's new database is a greater ability to capture and analyze collected data. As we enter FY 2013, CICF is fine-tuning a reporting mechanism that allows staff to generate provider-specific reports that show the current status of pending claims, as well denied and recently awarded claims. The report highlights information that is still needed to further process claims, including medical records, itemized billing information, and collateral resource information. Once finalized, this medical provider report will be helpful for the many billing offices who routinely contact the CICF office to check claim status, confirm that information has been received, and/or inquire about payment.

Throughout the year, victim advocates increasingly utilized WebFile, CICF's online claims submission and management system that allows victim/witness advocates who have gone through a specialized training and certification process with CICF to submit claims online as well as check claim status online and see notes from CICF staff on information still needed to perfect a claim.

Training remained an important focus of the Fund in 2012, with CICF staff conducting **32 training programs to 918 participants**, including 3 WebFile trainings, a technical training for victim / witness assistance program advocates across the state who are now trained to submit CICF claims online. Other training audiences included forensic nurses, mental health service providers, domestic violence and sexual assault advocates, prosecutors, law enforcement, and other allied professionals. Looking ahead to FY 2013, CICF staff anticipates continued education and marketing efforts with continued facilitation of trainings upon request for allied professional groups, targeted outreach to law enforcement, court clerks and medical providers, exploration of alternative training methods (including webinars and other avenues of online training), ongoing opportunities for new victim advocates to receive WebFile training, and training updates for advocates already using WebFile (WebFile 2.0 training). CICF also plans to once again sponsor Crisis Response Team (CRT) training in early 2013 to maximize the number of advocates trained throughout the Commonwealth to respond to mass casualty crime incidents and other emergencies requiring coordinated community response.

CICF efforts to serve Virginia's victims of violent crime continue unabated as we look towards the future. Staff remains committed to maximizing operational capacity and looking for ways to streamline internal processes, collaborate with community partners in new and innovative ways, and advocate for victims of crime. **Above all else, CICF will zealously maintain its tradition of providing assistance to victims of crime with compassion, efficiency, and fairness.**